

Article - Education

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§9.5–412.

(a) The State Superintendent or other authorized official or employee of the Department may apply to a judge of the District Court or a circuit court for an administrative search warrant to enter any unlicensed child care center to conduct any inspection required or authorized by law to determine compliance with the provisions of this subtitle relating to child care centers.

(b) (1) The application for an administrative search warrant shall be in writing and signed and sworn by the State Superintendent and shall particularly describe the place, structure, premises, or records to be inspected and the nature, scope, and purpose of the inspection to be conducted.

(2) Before the filing of an administrative search warrant application with a court, the application shall be approved by the Attorney General of Maryland as to its legality in both form and substance under the standards and criteria of this section and a statement to this effect shall be included as part of the application.

(c) A judge of a District Court or circuit court in the jurisdiction in which the unlicensed child care center is located may issue an administrative search warrant on finding that:

(1) The Department has reasonably sought and been denied access to an unlicensed child care center for the purpose of making an inspection;

(2) The requirements of subsection (b) of this section are met;

(3) The official or employee of the Department is authorized or required by law to make an inspection of the unlicensed child care center for which the warrant is sought; and

(4) The Department has shown probable cause for the issuance of the warrant by specific evidence:

(i) Of an existing violation of §§ 9.5–405(a) and 9.5–416 of this subtitle; and

(ii) That the health, safety, and welfare of the children in the child care center are substantially threatened due to conditions in the child care center.

(d) The administrative search warrant issued under this section shall specify the place, structure, premises, or records to be inspected and shall be enforceable during operating hours for a period not exceeding 15 days from the date of issuance.

(e) (1) An administrative search warrant issued under this section authorizes the State Superintendent and other officials or employees of the Department to enter the specified property to perform the inspection and other functions authorized by law to determine compliance with the provisions of this subtitle relating to child care centers.

(2) The inspection may not exceed the limits specified in the warrant.

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